



*James Ware*  
[PROPOSED] ORDER

Upon good cause shown, IT IS HEREBY ORDERED that:

1. Plaintiff May's First Cause of Action for violation of the federal Truth in Lending  
2 Act in her Second Amended Complaint against the Federal Deposit Insurance Corporation  
3 ("FDIC"), as Receiver of Washington Mutual Bank, is hereby dismissed with prejudice, but only  
4 as to the FDIC, as Receiver of Washington Mutual Bank. This dismissal with prejudice shall not  
5 prevent Plaintiff from pursuing her asserted claims in her first cause of action against the other  
6 defendants.

9 2. The FDIC, as Receiver of Washington Mutual Bank, shall not seek costs or fees as  
10 to Plaintiff as a result of the dismissal of the First Cause of Action.

11 3. Plaintiff shall not seek punitive damages from the FDIC, as Receiver of  
12 Washington Mutual Bank, but this order shall not prevent Plaintiff from seeking or proving  
13 punitive damages against any other defendant.

14 4. The Initial Case Management Conference shall occur on May 24, 2010, at 10:00  
15 a.m. The parties shall submit their Joint Case Management Conference Statement by May 19,  
16 2010.

17 In light of this Order, all pending Motions to Dismiss by Defendant FDIC are DENIED  
18 as moot as to Plaintiff's TILA claim against the FDIC. (Docket Item Nos. 55, 61, 62.) However,  
19 the Court notes that Plaintiff has not filed any Opposition to address the FDIC's Motions as to the  
state law claims-the Opposition was due on April 13, 2010. Since there is no Opposition by  
20 Plaintiff, the Court presumes that this Stipulation covers the state law claims against the FDIC as  
well.

21 The Court sets a Case Management Conference for all parties on **May 24, 2010**  
22 **at 10 a.m.** On or before **May 14, 2010**, the parties shall file a Joint Case Management Statement.  
23 The Statement shall include, among other things, a good faith discovery plan with a proposed  
date for the close of all discovery, and an update on the parties' settlement efforts, if any.

24 Dated: May 3, 2010

*James Ware*  
25 JAMES WARE  
26 United States District Judge  
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